

Message Text

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TAGS: UN ICJ

SUBJECT: UNGA LEGAL COMITE: REVIEW OF ROLE OF INTER-
NATIONAL COURT OF JUSTICE (ICJ)

FOL IS NETHERLANDS REVISED DRAFT REFERRED TO SEPTTEL.

DRAFT RESOLUTION ON THE REVIEW OF THE
ROLE OF THE INTERNATIONAL COURT OF JUSTICE

THE GENERAL ASSEMBLY

RECALLING THAT THE INTERNATIONAL COURT OF JUSTICE IS THE
PRINCIPAL JUDICIAL ORGAN OF THE UNITED NATIONS, AND CONSE-
QUENTLY, THAT ITS ROLE WARRANTS THE CONTINUING ATTENTION
OF THE ASSEMBLY.

TAKING NOTE OF THE VIEWS EXPRESSED BY MEMBER-STATES DURING
THE DEBATES IN THE SIXTH COMMITTEE ON THE QUESTION OF THE
REVIEW OF THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE
AT THE 25TH, 26TH AND 27TH GENERAL ASSEMBLY,

TAKING NOTE ALSO OF THE COMMENTS TRANSMITTED BY MEMBER-
STATES AND BY SWITZERLAND IN ANSWER TO A QUESTIONNAIRE
OF THE SECRETARY-GENERAL IN ACCORDANCE WITH GENERAL
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ASSEMBLY RESOLUTIONS 2723 (XXV) AND 2818 (XXVI) AND THE

TEXT OF THE LETTER ADDRESSED TO THE SECRETARY - GENERAL
BY THE PRESIDENT OF THE COURT,
NOTING WITH APPRECIATION THE COMMENTS OF THE SECRETARY-
GENERAL IN CHAPTER XII OF HIS INTRODUCTION TO THE
REPORT OF THE WORK OF THE ORGANIZATION, (A/9601/ADD.1 ASTERIK)
CONSIDERING THAT THE INTERNATIONAL COURT OF JUSTICE HAS
RECENTLY AMENDED THE RULES OF COURT, WITH A VIEW TO
FACILITATING RECOURSE TO IT FOR JUDICIAL SETTLEMENT OF
DISPUTES, INTER ALIA BY SIMPLIFYING THE PROCEDURE,
REDUCING THE LIKELIHOOD OF UNDUE DELAYS AND COSTS AND
ALLOWING FOR GREATER INFLUENCE OF PARTIES ON THE
COMPOSITION OF AD HOC CHAMBERS,
RECALLING THE INCREASING DEVELOPMENT AND CODIFICATION
OF INTERNATIONAL LAW IN CONVENTIONS OPEN FOR UNIVERSAL
PARTICIPATION AND THE CONSEQUENT NEED FOR ITS UNIFORM
INTERPRETATION AND APPLICATION,
RECALLING FURTHER THAT ARTICLE 38, PARAGRAPH 2 OF THE
STATUTE OF THE INTERNATIONAL COURT OF JUSTICE ALLOWS
FOR THE POWER OF THE COURT TO DECIDE A CASE EX AEQUO ET
BONO IF THE PARTIES AGREE THERETO AND THUS FURTHER
PROVIDES FOR A ROLE OF THE COURT IN THE DEVELOPMENT OF
INTERNATIONAL LAW AND THE PURSUIT OF PEACEFUL CHANGE,
1. RECOGNIZES THE DESIRABILITY OF THE GREATEST
POSSIBLE NUMBER OF STATES ACCEPTING, WITH AS
FEW RESERVATIONS AS POSSIBLE, THE COMPULSORY
JURISDICTION OF THE INTERNATIONAL COURT IN
ACCORDANCE WITH ARTICLE 36, PARAGRAPHS 2, 3
AND 5 OF THE STATUTE;
2. DRAWS THE ATTENTION OF STATES TO THE ADVANTAGES
OF INSERTING IN TREATIES CLAUSES PROVIDING
FOR THE SUBMISSION OF DISPUTES WHICH MAY ARISE
FROM THE INTERPRETATION OR APPLICATION OF SUCH
TREATIES, AS FAR AS POSSIBLE AND APPROPRIATE,
TO THE INTERNATIONAL COURT OF JUSTICE;
3. CALLS UPON STATES TO KEEP UNDER CONTINUING
REVIEW THE POSSIBILITY OF IDENTIFYING CASES
IN WHICH USE CAN BE MADE OF THE COURT, ITS
CHAMBERS OR ITS INDIVIDUAL MEMBERS;
4. INVITES STATES IN THE LIGHT OF THE AMENDMENT
TO THE COURT'S RULES OF PROCEDURES, TO MAKE
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MORE USE OF THE CHAMBERS AS PROVIDED IN
ARTICLES 26 AND 29 OF THE STATUTE, INCLUDING
THOSE WHICH WOULD DEAL WITH PARTICULAR CATE-
GORIES OF CASES, AS A MEANS TO ACHIEVE SPEEDY
AND EFFECTIVE MEANS FOR SOLUTION OF LEGAL
DISPUTES;
5. RECOMMENDS THAT UNITED NATIONS BODIES AND
THE SPECIALIZED AGENCIES SHOULD, FROM TIME

TO TIME, REVIEW LEGAL QUESTIONS WITHIN THE
COMPETENCE OF THE INTERNATIONAL COURT OF
JUSTICE THAT HAVE ARISEN OR WILL ARISE DURING
THEIR ACTIVIES AND SHOULD STUDY THE ADVISA-
BILITY OF REFERRING THEM TO THE COURT FOR AN
ADVISORY OPINION, PROVIDED THAT THEY ARE DULY
AUTHORIZED TO DO SO;

6. REAFFIRMS THAT RECOURSE TO JUDICIAL SETTLEMENT
OF LEGAL DISPUTES, PARTICULARLY REFERRAL TO
THE INTERNATIONAL COURT OF JUSTICE, CAN IN
NO WAYBE CONSIDERED AS AN UNFRIENDLY ACT
BETWEEN STATES.
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